

# United States Senate

WASHINGTON, DC 20510

March 29, 2021

## **VIA ELECTRONIC TRANSMISSION**

The Honorable Miguel Cardona  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Dear Secretary Cardona,

As the Ranking Members of the Appropriations Subcommittee and authorizing Committee that oversee the Department of Education, we are writing today to request further information on funding provided to the Department in the American Rescue Plan Act of 2021, Public Law 117-2. This bill provided more than \$166 billion in funding to the Department, but did not require that any detailed expenditure plan or periodic obligations reports are shared with Congress. This means that the Department has the ability to spend this money unchecked and it makes it unduly difficult for Congress to provide much needed oversight of this funding.

In 2020, Congress passed, in a bipartisan manner, two COVID-19 supplemental spending bills that provided funding to the Department of Education. Both of these bills included a requirement for the Department to provide the Appropriations Committee a spend plan and periodic obligations reports. Specifically, the previous COVID-19 supplemental appropriations bills required that within 30 days of enactment, the Secretary provide a detailed spend plan of anticipated uses of funds made available, including estimated personnel and administrative costs.

Unfortunately, the American Rescue Plan Act did not include such a provision, which makes it difficult for the Committees of jurisdiction to provide appropriate oversight of the Department's spending. We request that the Department uphold the spend plan and obligations requirements under the previous COVID-19 supplemental bills for the funds made available by the American Rescue Plan Act passed earlier this month. As the responsibility to provide oversight of these funds spans Committees' jurisdiction, we request that both the spend plan and obligation reports be submitted to the Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee and the Committee on Health, Education, Labor, and Pensions.

Further, as with the previous COVID-19 supplemental bills, we request spend plans of the funds made available by the American Rescue Plan Act to be updated and submitted every 60 days until funds are expended. In addition, the spend plans should be accompanied by a listing of each contract obligation incurred that exceeds \$5 million which has not previously been reported, including the amount of each such obligation. This provision was also included in the Coronavirus Response and Relief Supplemental Appropriations Act passed in December. Such spend plans should also include details on the funding that has already been obligated by the Department.

Additionally, in keeping with the precedent set in the previously passed supplemental bills, we request the obligation reports be updated and provided to the Committees weekly. Obligations of funds provided through the American Rescue Plan Act should be tracked separately from obligations of funds provided through

the previous COVID-19 bills, as funding in the reconciliation bill does not align with funding in the same appropriations accounts as the previous COVID-19 supplemental bills.

With the passage of the American Rescue Plan Act, states will have received over \$190 billion in COVID-19 relief funds through the Elementary and Secondary School Emergency Relief (ESSER) Fund to support K-12 schools and students. Given the slow spend down rate by states of the ESSER Fund and the immediate need to ensure our nation's schools are reopened for in-person education, we also request monthly updates on school reopenings. Data should include the percentage of districts that are fully reopen in-person, fully virtual, and a hybrid of both. This information should be provided in a way that allows Congress to monitor progress toward full school reopening.

Finally, we would appreciate that requested obligation reports are accompanied by information on drawdowns by recipients of funding. It is important that the Committees have transparency over the rate by which the Department is spending this funding, but it is equally as important for the Committees to know how fast recipients are drawing down this funding. This information will allow the Committees to continue its oversight activities and ensure that taxpayer funds are used in an appropriate manner.

We appreciate your assistance with this matter.

Sincerely,



Roy Blunt  
Ranking Member  
Labor, Health and Human Services,  
Education and Related Agencies  
Appropriations Subcommittee



Richard Burr  
Ranking Member  
Health, Education,  
Labor and Pensions  
Committee